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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/531,972 | 09/28/2005 | Robert N. Elnicky | 61365-020 | 5807 |

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| EXAMINER |
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CZEKAJ, DAVID J

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| ART UNIT | PAPER NUMBER |
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2621

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02/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/531,972 | Applicant(s) ELNICKY, ROBERT N. | |
| | Examiner Dave Czekaj | Art Unit 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>8/1/05</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3 and 6-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Takada et al. (2001/0006218), (hereinafter referred to as "Takada").

Regarding claim 1, Takada discloses an apparatus that relates to a surveillance camera (Takada: paragraph 0002). This apparatus comprises "a frame affixed to a mounting surface for supporting the camera" (Takada: figure 1), "a first member rotationally mounted to the frame defining a first axis of rotation" (Takada: figure 1; paragraph 0028, wherein the first axis is the pan axis), "a second member rotationally mounted to the first member defining a second axis of rotation intersecting the first axis" (Takada: figure 1; paragraph 0028, wherein the pan and tilt axis intersect each other), and "the camera rotationally mounted to the second member at a location spaced from the second axis of rotation, wherein the camera rotates around at least a third and fourth axis relative to the second member" (Takada: figure 1; paragraphs 002, 0028, 0031, wherein the camera swivels 360 degrees thus rotating around 4 axes).

Regarding claim 2, Takada discloses "the mounting surface comprises a generally horizontal plane" (Takada: figure 1).

Regarding claim 3, Takada discloses "the frame comprises a truss suspended from the mounting surface" (Takada: figure 1).

Regarding claim 6, Takada discloses "a drive motor connected to the first member thereby rotating the first member around the first axis" (Takada: paragraphs 0028-0031, wherein the drive motor is the pan motor).

Regarding claim 7, Takada discloses "a mount connecting the camera to the second member" (Takada: figure 1).

Regarding claim 8, Takada discloses "the mount includes a first motor for rotating the camera around the third axis thereby panning the camera" (Takada: paragraphs 0028-0031).

Regarding claim 9, Takada discloses "a second motor for rotating the camera around the fourth axis thereby tilting the camera" (Takada: paragraphs 0028-0031).

Regarding claim 10, Takada discloses "the first member comprises a distal end spaced from the frame and the second axis is positioned generally adjacent the distal end" (Takada: figures 1-2 and 6).

Regarding claim 11, Takada discloses "the first member comprises a distal end spaced from the frame and second axis is spaced from the distal end" (Takada: figures 1-2 and 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada et al. (2001/0006218), (hereinafter referred to as "Takada") in view of Burkley (6362875).

Regarding claim 4, note the examiners rejection for claim 1, and in addition, claim 4 differs from claim 1 in that claim 4 further requires an actuator. Burkley teaches that actuators allow for camera movement in a variety of axes (Burkley: column 4, lines 50-60). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the actuators taught by Burkley in order to obtain an apparatus that can easily move a camera between a variety of positions.

Regarding claim 5, Takada in view of Burkley disclose "the actuator provides driving movement thereby rotating the second member around the second axis of rotation" (Takada: paragraphs 0028-0031; Burkley: column 4, lines 50-60).

Regarding claim 12, Takada in view of Burkley disclose "the actuator being connected between the distal end of the first and second member at a location spaced apart from the second axis of rotation" (Takada: paragraphs 0028-0031; Burkley: column 4, lines 50-60).

3. Claims 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada et al. (2001/0006218), (hereinafter referred to as "Takada") in view of Monroe (6392692).

Regarding claim 13, Takada discloses an apparatus that relates to a surveillance camera (Takada: paragraph 0002). This apparatus comprises "providing a camera assembly suspended above the event wherein the assembly supports a camera movable around four axis defining 360 degree line of sight for the camera" (Takada: figures 1-2 and 6; paragraphs 0002, 0028-0031) and "taping the event with the camera by moving the camera around the four axis thereby generating an image of the event" (Takada: figures 1-2 and 6; paragraphs 0002, 0028-0031). However, this apparatus lacks the remote location as claimed. Monroe teaches that there is a need to develop an integrated system capable of providing good physical/visual surveillance (Monroe: column 2, lines 7-14). To help this development, Monroe discloses "providing a control device located at a remote location capable of moving the camera around the axis and moving the camera from the remote location" (Monroe: figures 5-6; column 13, lines 15-25). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Takada and add the remote control taught by Monroe in order to obtain an apparatus that can be operated from a plurality of different locations.

Regarding claim 14, Monroe discloses "providing a controller programmable for operating the camera from the remote location" (Monroe: column 13, lines 15-25; column 14, lines 30-40).

Regarding claim 15, Takada in view of Monroe disclose "following the event when the event moves below the camera by moving the camera around the four axis from the remote location" (Takada: figure 1; paragraphs 0002, 0028-0031; Monroe: column 13, lines 15-25).

Regarding claim 16, although not disclosed, it would have been obvious to move the camera via the control device to a predetermined line of sight (Official Notice). Doing so would have been obvious in order to better help track the target object.

Regarding claim 17, note the examiners rejection for claim 13, and in addition, although not disclosed, it would have been obvious to improve the image quality of the image generated by the camera (Official Notice). Doing so would have been obvious in order to deliver a high quality picture to the user.

Regarding claim 18, although not disclosed, it would have been obvious to reduce the vibration generated by the camera movement (Official Notice). Doing so would have been obvious in order to deliver a clear image to the user.

Regarding claim 19, Monroe discloses "signally a location of the camera to the controller" (Monroe: column 13, lines 15-25; column 14, lines 30-40. By making camera adjustments from a remote location, the current location of the camera must be known).

Regarding claim 20, Takada discloses "filming the event from 360 degrees with a single camera in real time" (Takada: paragraph 0002).

Regarding claim 21, Takada discloses "rotating the camera around the four axis simultaneously" (Takada: figures 1-2 and 6; paragraphs 0002, 0028-0031, wherein the camera can be rotated around all four axes at the same time).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

| | | |
|------------|---------|-------------------|
| US-6100927 | 08-2000 | Ogino |
| US-5886738 | 03-1999 | Hollenbeck et al. |
| US-6215519 | 04-2001 | Nayar et al. |
| US-6476856 | 11-2002 | Zantos |
| US-6507366 | 01-2003 | Lee |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dave Czekaj
TC 2600